

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:24-cv-00057-MR-WCM**

**NEW YORK LIFE INSURANCE AND)
ANNUITY CORPORATION,)**

Plaintiff,)

v.)

ORDER

**JOYCE DAVIS;)
REBECCA ANN ELLISON;)
DONNA KAYE LEONARD;)
VANDALYN DIANE ROSE; and)
MARIA ALAINA DIRHOLD,)**

Defendants.)

This matter is before the Court on a “Motion for Leave to Deposit its Admitted Liability” (the “Motion,” Doc. 12), filed by New York Life Insurance and Annuity Corporation (“Plaintiff”).

On February 20, 2024, Plaintiff filed a Complaint for Interpleader, pursuant to Rule 22 of the Federal Rules of Civil Procedure, against Joyce Davis (“Davis”), Rebecca Ann Ellison (“Ellison”), Donna Kaye Leonard (“Leonard”), Vandalyn Diane Rose (“Rose”), and Maria Alaina Dirhold (“Dirhold”), seeking to resolve competing claims to the proceeds of a variable annuity contract bearing number xxxx5773 (the “Annuity”). Doc. 1. This Court’s subject matter jurisdiction is premised on 28 U.S.C. § 1332.

Summonses were electronically issued as to Davis, Ellison, Leonard, Rose, and Dirhold on February 22, 2024. Doc. 10.

On February 26, 2024, Plaintiff filed the Motion. Doc. 12.¹ Therein, Plaintiff states that its admitted liability under the Annuity as of February 14, 2024 was \$630,334.57, plus applicable interest, if any, and requests leave to deposit its admitted liability into the registry of this Court, subject to further direction as to the proper distribution among the parties. Id. at 1-2.

For the reasons stated therein, and for good cause shown, the Motion will be allowed.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion for Leave to Deposit its Admitted Liability (Doc. 12) is **GRANTED**.
2. Plaintiff is **DIRECTED** to tender funds in the amount of \$630,334.57, plus applicable interest, to the Clerk of this Court, within fourteen (14) days of the entry of this Order.

¹ Although no defendant has made an appearance in this matter, the certificate of service on the Motion indicates that the document was served on counsel for Davis; counsel for Ellison, Rose, and Leonard; and Dirhold, as a *pro se* defendant.

3. The Clerk is respectfully directed to deposit these funds, which shall be deemed Disputed Ownership Funds in accordance with Local Civil Rule 67.1.

Signed: March 6, 2024

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

